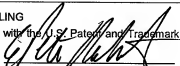


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Office on the below date:	Signature: 
Date: November 1, 2007	Name: G. Peter Nichols

PATENT
Case No.
10225/57
(A28)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	
)	
Prochazka et al.)	
)	Examiner:
Serial No.: 10/712,768)	
)	Group Art Unit: 1754
Filed: November 13, 2003)	
)	
For: PROCESS TO MAKE RUTILE)	Confirmation No. 7402
PIGMENT FROM AQUEOUS)	
TITANIUM SOLUTIONS)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action mailed May 3, 2007, Applicants file this Pre-Appeal Brief Request for Review, as well as the accompanying Notice of Appeal. Applicants wish to avail themselves of the expedited PTO procedure for appeals in accordance with the USPTO's Official Gazette notice dated July 12, 2005. The current claims of record in this application can be ascertained from the Response filed August 28, 2007. In this regard, the amendment to claim 9 was not entered.

The pending claims were rejected as being unpatentable over Duyvesteyn (WO 01/00530, hereinafter referred to as D1) and as being unpatentable over Duyvesteyn

(US 6440383, hereinafter referred to as D2). There is a clear error in the rejection because there is no rationale to support the asserted *prima facie* case of obviousness. As pointed out in 72 Federal Register 57526, the Office Action must identify the differences between the prior art and the claims and must provide some rationale for the conclusion of obviousness.

In the Office Action, there is no mention of the fact that the claimed catalyzing salt (including two or more of NaCl, KCl, and LiCl) is present in an amount from about 3% by weight of the equivalent amount of titanium dioxide to about the amount corresponding to the saturation point of the catalyzing salt in the feed solution. In other words, this difference between the claims and the prior art is not recognized nor articulated. As a result, no reasonable conclusion concerning obviousness can be articulated.

With respect to the claims 9-11 and 44, in particular, there is no recognition that the claims require a eutectic mixture and that the prior art is silent with respect to the particular eutectic mixture. In addition, there is no articulation in the Office Action as to the rationale for arriving at the claimed eutectic mixture. In this regard, the Office Action states that "it **appears** that it would have been obvious" (see page 3 of May 3, 2007 Office Action) (emphasis added). To state that "it appears" does not provide the rationale required by 72 Federal Register 57526. In other words, the rejection is not proper.

In short, because the Office Action lacks the appropriate factual and legal rationale to support a *prima facie* case of obviousness, the rejection should be withdrawn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Peter Nichols', is written over a horizontal line.

G. Peter Nichols
Registration No. 34,401

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